MONTANA LEGISLATIVE HISTORY

Chapter 9 19 71

Bill H _____ S 15 Original bill & history ___C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Jan 22	✓ C	Hearing Date(s)	Jan 07	✓ C
	_____	___C		Jan 11	✓ C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	Jan 22	✓ C		Jan 11	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE JUDICIARY COMMITTEE MEETING---January 7, 1971

The meeting was called to order by the Chairman, Senator Gilfeather. All the members were present.

Senator Gilfeather asked Senator Drake to speak about his bill, Senate Bill 4. Senator Drake discussed it and stated he had an amendment to it already. Senators Turnage, Gilfeather, Drake, Shea and others continued the discussion on possible amendments to the bill, after which Chairman Gilfeather appointed a subcommittee of Senators Sheehy and Moore to further consider this bill.

Senate Bill 15 was brought before the committee by Senator Moore who explained it. There was a somewhat lengthy discussion by Senators Turnage, Moore, Shea and Sheehy. Senator Turnage moved that Senate Bill 15 DO PASS. However, Senator Gilfeather said he thinks there might be a question here if there would be litigation in process and further discussion followed. Senator Turnage withdrew motion that it do pass.

Senate Bill 16 was presented to the committee. Senators Gilfeather, Turnage, Moore and Sheehy discussed this bill at some length and Chairman Gilfeather put this bill in subcommittee with Senators Turnage, Moore and Sheehy, to report back on it Monday.

The secretary was instructed to notify Mr. Walter Laas of the House, the Highway Department, Mr. Gene Huntley of Baker, Montana for a hearing on Senate Bill 7, to be held January 12.

There was no further business to come before the committee and the meeting was adjourned.

P. J. Gilfeather

SENATOR P. J. GILFEATHER, CHAIRMAN

SENATE JUDICIARY COMMITTEE MEETING-January 11, 1971

The meeting was called to order by the Chairman, Senator Gilfeather. All members were present.

Chairman Gilfeather discussed Senate Bill 32. Senator Turnage moved to amend Senate Bill 32, page 1, line 22 by inserting the word "mesne" before the word "conveyance" and to further amend Senate Bill 32 on line 22 following the word "conveyance" by inserting the punctuation "," and the words "devise or succession". Further amend Senate Bill 32, line 23, following the word "to" by inserting the words "or remains in".

Senator Turnage moved that the amendments be adopted. Motion carried and the amendments are adopted.
It was moved that Senate Bill 32, DO PASS, AS AMENDED. THE MOTION WAS CARRIED.
Senator Gilfeather said that Senate Bill 4 is to be further amended.

Senate Bill 7 is set for hearing on January 12.

Senate Bill 13 is set for hearing on January 19.

The secretary was instructed to notify Mr. Edward C. Alexander, Strain Building, Great Falls of the hearing of Senate Bill 13 for January 19.

Senate Bill 15 was given a DO PASS. THE MOTION WAS CARRIED.

Senate Bill 16 was set for Jan. 12.

Senate Bill 26 was given a DO PASS. THE MOTION WAS CARRIED.

Senate Bill 32 was to be given further amendment.

Re. Senate Bill 34, Senator Turnage said he would talk to Senator Thiessen about this bill.

The meeting adjourned.

SENATOR P. J. GILFEATHER, CHAIRMAN

January 22, 1971

JUDICIARY COMMITTEE

The meeting was called to order at 9:00 a.m. on Friday, January 22 in room 300 of the Capitol Building with Jeffrey J. Scott, Chairman presiding. All members were present with the exception of Mr. Mather.

SENATE BILL 26 — Senator Dave Manning gave an explanation of this bill, which is cited as the 1971 Bond Validating Act". He stated that this was the same bill that was introduced in the House. Questions were asked and the witness was excused.

Executive Session: — Mr. Greely moved that Senate Bill 26 be tabled. The motion carried.

SENATE BILL 15 — Senator Moore, chief sponsor, gave a description of this bill, which would validate all joint tenancies created prior to July 1, 1963. There were no proponents and no opponents. No questions were asked and the hearing was closed.

Executive Session: — Mr. Warfield moved that Senate Bill 15 BE CONCURRED IN. Motion carried.

HOUSE BILL 179 — Representative Murphy introduced Mr. Tom Stoll of the State Board of Equalization who he said would explain HB 179, 180, 181 and 184. Mr. Stoll explained this bill stating that it would provide that inheritance taxes be collected by only the state board of equalization and county treasurer. There were no opponents and the hearing on this bill was closed.

HOUSE BILL 180 — Mr. Stoll explained the contents of this bill, which would rescind the requirement that the order determining inheritance tax be mailed to the state treasurer. There were no questions and the hearing on this bill was closed.

HOUSE BILL 181 — Mr. Stoll explained the contents of this bill, which would provide for monthly rather than quarterly reports of inheritance taxes collected by county treasurers and by state treasurers. There were no questions and the hearing was closed.

HOUSE BILL 184 — Mr. Stoll gave some background information in connection with this bill and explained the contents. This bill would clarify the application of the estate tax upon transfers of estates of decedents and would include nonresident estates. Questions were asked and the witness was excused.

Rules and regulations.

done under such rules and regulations as said commission may prescribe with reference thereto, and under the supervision of said commission, and all such non-game fish so taken may be possessed and sold in such manner and under such restrictions as said commission may direct, all fish other than those herein designated so taken under said rules and regulations when prescribed by said commission, shall be returned uninjured to the waters from which they were taken."

Possession and sale.

Return of uninjured game fish.

Approved February 1, 1971.

CHAPTER NO. 9

An Act to Amend Section 67-1602.1, R.C.M., 1947, to Validate all Joint Tenancies Created by Direct Conveyance Prior to July 1, 1963.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 67-1602.1, R.C.M., 1947, is amended to read as follows:

"67-1602.1. **Joint tenancy created by direct conveyance.** A joint tenancy as to any interest in real property may be established by the owner thereof, by designating in the instrument of conveyance or transfer, the names of such joint tenants including his own, without the necessity of any transfer or conveyance to or through a third person.

Joint tenancy may be created by direct conveyance.

Validation clause.

All joint tenancies created in this manner prior to July 1, 1963, are sufficient in law to create a joint tenancy."

Approved February 1, 1971.

CHAPTER NO. 10

An Act to Amend Section 59-538, R.C.M., 1947, Providing Per Diem Allowance For State Employees.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 59-538, R.C.M., 1947, is amended to read as follows:

"59-538. **Expenses of persons in state service—per diem allowance.** Every person engaged in any service in every department of state, except the governor and the attorney general, state auditor, superintendent of public instruction, railroad commissioners, secretary of state, state treasurer, clerk of the supreme court and justices of the supreme court who shall be paid actual and necessary expenses as hereinafter provided exclusive of persons in appointive positions, or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the state under monthly or yearly salary, or who may be sent by any authorized executive of any department of the state upon a mission in performance of any clerical work, supervisory or extension work or otherwise, of every kind and character, shall be allowed, for the time engaged in such travel, thirteen dollars and fifty cents ($13.50) per day for such travel within the state of Montana, and for travel outside the state of Montana the sum of twenty-two dollars and fifty cents ($22.50) per day for meals and other necessary expenses; *except that for travel within the District of Columbia the sum of thirty dollars ($30.00) per day shall be allowed and* provided, that the provisions of this act shall not apply to persons holding offices specifically provided for in section 93-305, or section 93-313; provided that nothing herein contained shall be construed as affecting the validity of section 43-310; and provided further that the provisions of this act shall not apply to the elective state public officers of the state of Montana. The governor shall be authorized actual and necessary expenses not to exceed sixty dollars ($60.00) per day. The attorney general, state auditor, superintendent of public instruction, railroad commissioners, secretary of state, state treasurer, clerk of supreme court and justices of supreme court shall be authorized actual and and necessary expenses not to exceed forty dollars ($40.00) per day while engaged in state service away from Montana."

Persons in state service—per diem allowances.

$13.50 per day in state.

$22.50 per day out of state.

$30.00 per day in District of Columbia

Exceptions.

$60.00 per day maximum for governor.

Other elected officers—maximum —$40.00 per day.

Approved February 1, 1971.

CHAPTER NO. 11

An Act to Amend Section 82-1914, R.C.M. 1947, By Adding a New Paragraph Providing That the Proceeds